

## **REMARKS**

The above amendments are made in response to the Final Office action of January 06, 2009. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1 and 3-41 are pending in the application. Claims 17 -41 are withdrawn from further consideration. Claims 1, 2, 8-16 and 42 stand rejected. Applicants gratefully acknowledge that claims 3-7 have been indicated as containing allowable subject matter but for their dependence on rejected base claims.

Claims 1 and 42 have been amended, leaving claims 1, 3-16 and 42 for further consideration upon entry of the present amendment. Support for the amendments to claim 1 and 42 may be found at least in the Figures and specification as originally filed. No new matter has been added.

### ***Claim Rejections Under 35 U.S.C. § 102***

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1, 2 and 9-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Inukai (U.S. Patent Pub. No. 2001/0038367, hereinafter "Inukai"). The Examiner states that Inukai discloses all of the elements of the abovementioned claims.

Claim 1 has been previously amended to include the limitations of canceled claim 2 and presently amended to recite, *inter alia*, that the first current supply line directly contacts the second current supply line.

In contrast, FIG. 3 of Inukai relied upon by the Examiner disclose that the ('V') line and the ('E') line, alleged by the Examiner to be the first and second current supply lines, respectively, are not in **direct** contact with each other.

In particular, Inukai discloses that a source region of the EL driver TFT 108 is connected to one of the power source supply lines V (V1 to Vx), and a drain region thereof is connected to the EL element 110. The power source supply lines V are connected to a power supply (not shown) provided outside the substrate on which the pixel portion 101 is formed, and are given a constant power supply electric potential. (Paragraph [0076]). The power source supply line V is connected to the capacitor 112. (Paragraph [0078]). The opposing electrode of the EL element 110 is connected to one of the opposing power source lines E (E1 to Ey). The electric potential of the opposing power source lines E herein is called opposing electric potential. (Paragraph [0080]). Thus, Inukai does not disclose the first current supply line ('V') contacting the second current supply line ('E').

In the 'Response to Arguments', the Examiner states that "... the broadest reasonable interpretation of the term 'contacts' of the instant claim 1 would encompassed both a direct connection and an indirect connection, i.e. the type of contact between the instant claimed first current supply line and the instant claimed second current supply line would encompassed both a direct contact (direct connection) and an indirect contact (indirect connection). Here, Inukai discloses an indirect contact between the power source line (ref. # (V)) and the opposing power source line (ref. # (E)) is connected via the transistor (ref. #108). Therefore, the teachings of Inukai do anticipate the device of the instant claims, and the rejection is maintained."

Thus, independent claim 1 has been amended to particularly point out and distinctly define over Inukai to recite that the feature of the present invention includes "the first current supply line **directly contacts** the second current supply line." Amended claim 42 merely reflects an attribute of such direct connection between the first and second current supply lines.

More specifically, Inukai does not disclose, teach or suggest wherein the first current supply line **directly contacts** the second current supply line, as claimed in amended independent amended claim 1 of the present invention. Thus, amended claim 1

is believed to be patentably distinct and not anticipated by Inukai. Claims 3-16 and 42 depend from claim 1, and thus include all the limitations of amended claim 1. It is thus believed that the dependent claims 3-16 and 42 are allowable for at least the reasons given for independent amended claim 1, which is believed to be allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 1, 2 and 9-16 under 35 U.S.C. §102(b).

### ***Rejections Under 35 U.S.C. § 103***

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claims 1, 2 and 8-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Inukai. The Examiner states that Inukai in view of the skill in the art at the time the invention was made teaches all the limitations of claim 8 except for the *storage capacitor disposed between the first current supply line and the driving part*, which the Examiner alleges would have been obvious based on Inukai disclosing that it is art recognized wherein the capacitor can be placed between the current supply line and the driving TFT.

As mentioned above for claim 1, Inukai neither teaches nor suggests wherein the first current supply line directly contacts the second current supply line, as claimed in amended independent claim 1. Further, claim 2 has been previously canceled rendering any rejection thereto moot. Further still, claims 8-16 depend from amended independent claim 1, which is submitted as being allowable for defining over Inukai as discussed

above. Moreover, it is respectfully submitted that use of the *storage capacitor disposed between the first current supply line and the driving part* allegedly known in the art does not cure the deficiencies noted above with respect to Inukai.

Thus, Applicants submit that neither Inukai not the skill in art, either alone or in combination, render obvious the subject matter of amended claim 1. Claims 8-16 depend from amended claim 1, and thus include the allowable elements of amended claim 1. It is thus believed that the dependent claims are patentable over the cited references for at least the reasons given above for amended independent claim 1.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner's withdrawal of the rejection of claims 1, 2 and 8-16, and their subsequent allowance is respectfully requested.

### ***Conclusion***

In light of the above remarks, the present application including claims 1, 3-16 and 42 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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